

PATENT

Applicant: Swanson

Serial No.: 09/870,288

Filing Date: May 29, 2001

Title: Composite Structures and
Methods for Ablating Tissue to Form
Complex Lesion Patterns in the Treatment
of Cardiac Conditions and the Like

Group Art Unit: 3739

Examiner: Peffley

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Mail Stop Issue Fee

TRANSMITTAL OF TERMINAL DISCLAIMER

Sir:

During a telephonic interview conducted with the undersigned representative on June 14, 2007, the Examiner indicated that the claims in the above-identified application were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over certain claims in U.S. Patent No. 6,241,754. The Examiner also indicated that, absent action by applicant, the application would be withdrawn from issue and an Office Action including the double patenting rejection would be mailed.

Applicant respectfully submits that the obviousness-type double patenting rejection has been obviated by the Terminal Disclaimer that is being filed concurrently herewith. Applicant also notes for the record that the filing of a Terminal Disclaimer serves only to remove the obviousness-type double patenting rejection and raises neither a presumption, nor an estoppel, with respect to the merits of the rejection. See *Quad Environmental Technologies v. Union Sanitation District*, 20 USPQ2d 1393, 1394-95 (Fed. Cir. 1991).

In view of the forgoing, applicant respectfully submits that the application should proceed to issue. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0638. Should such fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition therefor.

Respectfully submitted,

June 25, 2007
Date

/Craig A. Slavin/
Craig A. Slavin
Reg. No. 35,362
Attorney for Applicant

Henricks, Slavin & Holmes LLP
840 Apollo Street, Suite 200
El Segundo, CA 90245
(310) 563-1458
(310) 563-1460 (Facsimile)